

## **EXHIBIT B**

MAR-06-2003 15:15

U.S. COURTS HAWAII

808 541 1303 P.02/06  
DISTRICT OF HAWAII

ORIGINAL

MAR 6 2002

at 3 o'clock and 40 minutes  
WALTER A. Y. H. CHINN CLERK

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

WAYNE BERRY,	) CIVIL NO. 01 00446 SPK LEK
	)
Plaintiff,	)
	)
vs.	)
	)
FLEMING COMPANIES, INC., aka	) SPECIAL VERDICT FORM
FLEMING FOODS, INC., aka	)
FLEMING,	)
DOE INDIVIDUALS 1-50 AND	)
DOE PARTNERSHIPS,	)
CORPORATIONS AND OTHER	)
ENTITIES 1-20,	)
	)
Defendants.	)
	)
	)
	)

SPECIAL VERDICT FORM

A. FREIGHT CONTROL SYSTEM SOFTWARE

1. Has Plaintiff Wayne Berry proven by a preponderance of the evidence that he is the owner of the copyright to the Freight Control software attached to Exhibit 221?

Yes X

No \_\_\_\_\_

If "YES" go to next question.  
If "NO", skip to section B.

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2. Did Fleming Companies, Inc. prove by a preponderance of the evidence that it has a valid license for the use of the Freight Control software.

Yes

No \_\_\_\_\_

If "YES" go to next question.

If "NO" go to question 4.

3. Did Wayne Berry prove by a preponderance of the evidence that Fleming made unauthorized changes to the Freight Control software.

Yes

No \_\_\_\_\_

If "NO" skip to section B.

If "YES" go to next question.

4. Was the infringement of the Freight Control software copyright willful?

Yes

No \_\_\_\_\_

Go to the next question.

5. What amount of damages is Wayne Berry entitled to for the infringement of Freight Control System software?

\$ 98,250.00

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**B. CRYSTAL REPORTS SOFTWARE**

1. Has Plaintiff Wayne Berry proven by a preponderance of the evidence that he is the owner of the copyright to the Crystal Reports software attached to Exhibit 222?

Yes 

No \_\_\_\_\_

If "NO", skip to section C.

If "YES" go to next question.

2. Did Fleming Companies, Inc. prove by a preponderance of the evidence that it has a valid license for the use of the Crystal Reports software.

Yes 

No \_\_\_\_\_

If "YES" go to next question.

If "NO" go to question 4.

3. Did Wayne Berry prove by a preponderance of the evidence that Fleming made unauthorized changes to the Crystal Reports software.

Yes \_\_\_\_\_

No 

If "NO" skip to section C.

If "YES" go to next question.

4. Was the infringement of the Crystal Reports software copyright willful?

Yes \_\_\_\_\_

No \_\_\_\_\_

Go to the next question.

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5. What amount of damages is Wayne Berry entitled to for the infringement of Crystal Reports software?

C. FLEMINGPO.EXE SOFTWARE

1. Has Plaintiff Wayne Berry proven by a preponderance of the evidence that he is the owner of the copyright to the FlemingPO.exe software attached to Exhibit 223?

Yes X No \_\_\_\_\_

If "YES" go to next question.

If "NO", skip to the end.

2. Did Fleming Companies, Inc. prove by a preponderance of the evidence that it has a valid license for the use of the FlemingPO.exe software.

Yes X No \_\_\_\_\_

If "YES" go to next question.

If "NO" go to question 4.

3. Did Wayne Berry prove by a preponderance of the evidence that Fleming made unauthorized changes to the FlemingPO.exe software.

Yes \_\_\_\_\_ No X

If "NO" skip to the end.

If "YES" go to next question.

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4. Was the infringement of the FlemingPO.exe software copyright willful?

Yes \_\_\_\_\_

No \_\_\_\_\_

Go to the next question.

5. What amount of damages is Wayne Berry entitled to for the infringement of FlemingPO.exe software?

Please sign and date this Special Verdict Form.

J. C. J.  
Jury Foreperson

Kathy K. Miller

Rebecca

Mary P. Oshiro

Carol Ho Akimoto

Debra G.

Mark Shumard

John M. (John) G.  
Date  
3/6/03